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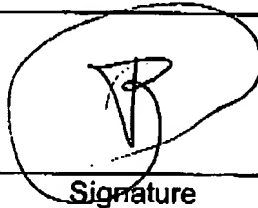
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Response to Restriction Requirement
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Attorney Docket No. BC45226

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Bruck et.al.
Serial No.: 09/937, 437
Filed: 03/18/2002
For: Novel Compounds

Group Art Unit: 1631
Examiner: Borin, Michael L.

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

This paper is responsive to the Office Action mailed September 1, 2004 (herein referred to as "Office Action"). Applicants respectfully request entry of this paper and reconsideration of the application in view thereof.

This paper is believed timely filed on or before January 3, 2004, with a three month extension of time. Notwithstanding, should this paper not be considered timely filed, Applicant hereby requests a retroactive extension of time to file for the number of months required to maintain pendency of the Application.

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 50-2787.

Please amend the application as follows.

In the Claims:

1-69 (Cancelled)

70. (New) An isolated polypeptide comprising a member selected from the group consisting of:

- (a) an amino acid sequence which has at least 90% identity to SEQ ID NO:2;
- (b) an immunogenic fragment of the amino acid sequence of (a), wherein the immunogenic fragment is at least 90% identical to an aligned contiguous segment of SEQ ID NO:2; and
- (c) an immunogenic fragment of the amino acid sequence of (a) that matches an aligned contiguous segment of SEQ ID NO:2 with no more than five single amino acid substitutions, deletions or additions;

wherein the isolated polypeptide, when administered to a subject in a suitable composition which can include an adjuvant or a suitable carrier coupled to the polypeptide, induces an immune response that recognizes a polypeptide having the sequence of SEQ ID NO:2.

71. (New) The isolated polypeptide of Claim 38 wherein the amino acid sequence has at least 95% identity to SEQ ID NO:2 or the aligned contiguous segment of SEQ ID NO:2.

72. (New) The isolated polypeptide of Claim 39 wherein the polypeptide consists of the amino acid sequence of SEQ ID NO:2.

73. (New) A fusion protein comprising the isolated polypeptide of Claim 38.

74. (New) The isolated polypeptide of Claim 38 wherein the polypeptide is the immunogenic fragment having no more than two single amino acid substitutions, deletions or additions relative to the aligned sequence.

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75. (New) The isolated polypeptide of Claim 38 wherein the polypeptide is the immunogenic fragment having no more than one single amino acid substitution, deletion, or addition relative to the aligned sequence.
76. (New) The isolated polypeptide of Claim 38 wherein the polypeptide is the immunogenic fragment which matches the aligned sequence.
77. (New) An isolated polypeptide encoded by an isolated first polynucleotide wherein the isolated first polynucleotide hybridizes under stringent conditions to a second polynucleotide which encodes the polypeptide of SEQ ID NO:2; wherein stringent conditions comprise overnight incubation at 42° C. in a solution comprising: 50% formamide, 5xSSC (150 mM NaCl, 15 mM trisodium citrate), 50 mM sodium phosphate (pH7.6), 5 x Denhardt's solution, 10% dextran sulfate, and 20 micrograms/ml denatured, sheared salmon sperm DNA, followed by washing the filters in 0.1 x SSC at about 65° C; wherein the isolated polypeptide, when administered to a subject, induces an immune response that recognizes a polypeptide having the sequence of SEQ ID NO:2.

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REMARKS

All previously pending claims have been canceled. Claims 70-77 have been added. Former claims 39-46 and 68 were subject to a two way Restriction Requirement. Applicants hereby elect Group 1 drawn to a polypeptide and hereby add claims 70-77 which are directed to the same subject matter.

CONCLUSION

Applicant believes this response to be a full and complete response to all outstanding issues in this application. As the application is believed to be in condition for allowance, Applicants respectfully request a Notice of Allowability. The Examiner is invited to contact the undersigned representative should any further issues arise

Respectfully submitted,

DECHERT LLP

Date: January 3, 2005

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